

(4)

18/5/05

Single Bench

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)

FIRST APPEAL NO. 214 /2005

APPELLANT / PLAINTIFF

Sah Mood Khan, son of Shri
Jahangeer Khan, aged about
52 years, resident of village
Wadrafnagar, P.S. Basantpur,
Tahsil Wadrafnagar, Distt.
Surguja (Chhattisgarh)

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VERSUS

RESPONDENTS /
DEFENDANTS

1. The Divisional Forest Officer,
North Forest Division, Distt.
Surguja (Chhattisgarh)

2. State of Chhattisgarh,
through - the Distt. Collector,
Distt. Surguja (C.G.)

P.R. No. 26201/05
Presented by Shri. G. M. S. P. G. M. S. P.
dated. 17/10/05

FIRST APPEAL UNDER SECTION 96 OF THE CODE OF CIVIL
PROCEDURE, 1908

मामला क्रमांक F.A. 211/..... सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09.01.2007 Appellant by Shri Ganesh Prasad Gupta, Advocate. State/respondents by Shri Akhil Agrawal, P.L. Heard on admission. The appellant/plaintiff had filed a suit praying for the relief of permanent injunction simpliciter to restrain the defendants from interfering with the possession of the appellant/plaintiff over the suit land. The suit land is Government land being protected forest land. The plaintiff was an encroacher / trespasser. In view of Ex.D-7, it is also not disputed that immediately after institution of suit on 23.02.2001 the superstructure constructed by the plaintiff had been demolished by the respondents on 26.02.2001 and the plaintiff had been dispossessed. The relief claimed by the plaintiff had thus become infructuous. A perusal of the evidence adduced by the plaintiff / appellant before the learned lower Court also goes to show that the appellant / plaintiff did not prove even a semblance of title or right to remain in possession of the protected forest land. In this view of the matter, the dismissal of the Civil Suit No. 2-A of 2002 by the learned Additional District Judge (F.T.C.), Ramanujganj, District Surguja is impeccable. Thus, there is no merit in this appeal which is dismissed at the stage of admission. There shall be no order as to costs. M.C.P.No.1546 of 2005 and I.A.No.2828 of 2006 for out of turn hearing also stand disposed of.	Sd/- Dilip Raosaheb Deshmukh Judge

Ayan